APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,125	09/12/2003	Gerd Moser	2058.226US1	9070

50400   7590   07/13/2009
SCHWEGMAN, LUNDBERG & WOESSNER/SAP
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
07/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
scape@slwip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte   GERD MOSER, THOMAS VOGT, ARTHUR BERGER,
GREGOR RIEKEN and RALF STEUERNAGEL

_____

Application 10/662,125
Technology Center 2400

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Mailed: July 13, 2009

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Before JOYCE GUNTER-RILEY, Review Paralegal

GUNTER-RILEY, Review Paralegal

ORDER RETURNING UNDOCKETED APPEAL

      This application was electronically received by the Board of Patent
Appeals and Interferences on May 13, 2009. A review of the application
revealed that it is not ready for docketing as an appeal. Accordingly, the
application is herewith being returned to the Examiner to address the
following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed December 29,, 2008 under the heading "Grounds of rejection to be reviewed on appeal" is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 7,12-15,17-18,24-26,35-38 and 49 are rejected under 35 U.S.C. 103(a); whereas Appellant(s) has either not indicated the grounds of rejection of these claims or has improperly listed these claims as provided by appellant. Correction of the Grounds of rejection to be reviewed on appeal for all claims is required.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated August 23, 2006.. There is no indication on the record that the Examiner has considered the above Information Disclosure Statement. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statement is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to hold the Appeal Brief filed on December 29, 2008 defective;

2) notify Appellant to file a paper properly addressing the Grounds of rejection of all claims;

3) consider the IDS filed August 23, 2006 and

4) for such further consideration

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

/jgr/

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CAA/DCAA /CTA/DCTA initials:

PL/LT initials:

[MAILING ADDRESS OF APPELLANT(S)]